

**EXHIBIT B**

**INDEX OF ALL DOCUMENTS FILED IN STATE COURT ACTION**

<b>EXHIBIT</b>	<b>DATE FILED</b>	<b>DOCUMENT TITLE</b>
B-1		STATE COURT DOCKET SHEET
B-2	01/23/23	PLAINTIFF'S ORIGINAL PETITION
B-3	04/06/23	REQUEST FOR PROCESS
B-4	04/06/23	ISSUED CITATION
B-5	04/28/23	RETURNED CITATION
B-6	05/22/23	DEFENDANT'S ORIGINAL ANSWER
B-7	05/31/23	PLAINTIFF'S FIRST AMENDED PETITION

Date Printed: Fri Jun 02 11:07:56 CDT 2023

## Case Summary

Cause Number: 230015-C

Last Filed: 01/23/2023

Style: Dammeion Clark Vs. International Paper Company

Case Type: Injury or Damage: Other

Category: Civil

Court: 260th District Court

### Party(s) of Case: 230015-C

#	Party	Name	Inactive Date
1.	Plaintiff Atty	Hubbard, II, Benard	
2.	Defendant	International Paper Company,	
3.	Plaintiff	Clark, Dammeion	

### Event(s) of Case: 230015-C

#	Type	Date/Time	Description
1.	PLTF/PET'S 1ST AMD/SUP PETITION	05/31/2023	PLTF/PET'S 1ST AMD/SUP PETITION
2.	DEFT'S ORIG ANS	05/22/2023	DEFENDANT'S INTERNATIONAL PAPER COMPANY'S ORIGINAL ANSWER
3.	CITATION RETURNED	04/28/2023	CITATION RETURNED
4.	CITATION ISSUED	04/06/2023	CITATION ISSUED - E-mailed to bj@bjhubbardlaw.com
5.	REQ FOR PROCESS FORM	04/06/2023	REQ FOR PROCESS FORM
6.	E-FILE RECEIPT	04/06/2023	E-FILE RECEIPT
7.	COPY REQUEST	01/24/2023	COPY REQUEST - Pltf's Orig Pet. SB
8.	E-FILE RECEIPT	01/23/2023	E-FILE RECEIPT
9.	PLAINTIFF'S ORIGINAL PETITION	01/23/2023	PLAINTIFF'S ORIGINAL PETITION

### Case Type(s) of Case: 230015-C

Case Type	Filing Date	Disposition	Disposition	Case Age
1. Injury or Damage: Other	01/23/2023			130 Days

### Fine Card of Case: 230015-C

#	Receipt No.	Payment Date	Amount Paid
1.	273589	2023-01-26 00:00:00.0	\$ 350.0
2.	274607	2023-04-11 00:00:00.0	\$ 8.0
Total Due:			\$ 0.00

State of Texas  
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2nd day of June, 2023

ANNE REED  
Clerk of District Court  
of Orange County, Texas  
by Justin Rhodes  
JUSTIN RHODES



EXHIBIT

B-1



CAUSE NO. 230015-C

DAMMEION CLARK

IN THE DISTRICT COURT OF

V.

ORANGE COUNTY, TEXAS

INTERNATIONAL PAPER  
COMPANY

260th  
JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DAMMEION CLARK**, hereinafter referred to as "Plaintiff," and complaining of and about **INTERNATIONAL PAPER COMPANY**, hereinafter referred to as "Defendant," and for cause of action, would respectfully show the court the following:

**1. DISCOVERY CONTROL PLAN**

Discovery in this matter is to be conducted according to Level 3 per Tex. R. Civ. P. 190.4.

**2. PARTIES**

2.1 Plaintiff, **DAMMEION CLARK**, is a resident of Baton Rouge, East Baton Rouge Parish, Louisiana.

2.2 Upon information and belief, Defendant, **INTERNATIONAL PAPER COMPANY**, is a foreign corporation, operating within, and existing under the law of a state other than Texas. Defendant may be served by and through its registered agent for service: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

2.3 This suit is brought in accordance with the laws of the State of Texas for the recovery of damages to which your Plaintiff is entitled to recover from the Defendant herein. Plaintiff will show that the incident was brought about and caused to occur, and/or was proximately

EXHIBIT

**B-2**



caused by the negligence of the Defendant. Such negligent acts will be set out more fully hereinafter.

### **3. JURISDICTION AND VENUE**

Plaintiff would show that both jurisdiction and venue are proper in this cause of action pursuant to the Tex.Civ.Prac.Rem. Code § 15.002.

### **4. STATEMENT OF FACTS**

4.00 Plaintiff brings this cause of action to recover damages sustained on or about January 26, 2021, in Orange County, Texas, as a direct and proximate result of Defendant's negligent maintenance and or operation of property and or instrumentality owned by, and controlled by the defendant.

4.1 At the time of the accident, the Plaintiff was on site, as an employee of Rexnord Corporation, who had contracted with defendant, International Paper Company, to perform maintenance work on certain equipment

4.2 While plaintiff was working on a drive shaft, a heavy metal object, which was above the plaintiff's work area, fell and struck plaintiff on the head, resulting in serious injuries to plaintiff.

### **5. PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT**

5.1 Plaintiff alleges and incorporates by reference the preceding paragraph, the same as if set forth herein verbatim. Defendant's above mentioned actions and/or omissions constituted negligence, and the negligent conduct was a direct and proximate cause of the accident and injuries made the basis of this lawsuit.

5.2 The Defendant's negligent actions or omissions include, but are not limited to, one or more of the following:



- a. Defendant failed to maintain the workplace in a reasonably safe condition;
- b. Defendant breached duty of care by failing to remedy the defective or dangerous condition;
- c. Defendant breached duty of care by failing to provide warning of defective or dangerous condition;
- d. Failing to supervise the environment, placing protocols;
- e. Failing to provide safety tools and equipment;
- f. Failing to ensure company premises were maintained in a way to prevent injuries;
- g. Failing to supervise the employees' as per relevant safety regulations.
- h. Failing to warn its invitees, employees, and third party contractors as to the hazards conditions complained of herein.
- i. Failing to install, adopt or employ adequate safety measures in its workplace to prevent incidents such as the one that injured Plaintiff and is the subject of this lawsuit; and
- j. Failing to properly secure the object which fell and struck plaintiff.

5.3 Defendant had a duty to exercise the degree of care that a reasonably prudent person would use to avoid harm to others under circumstances similar to those described above.

Defendant breached this duty.

5.4 Plaintiff's injuries were directly and proximately caused by Defendant's negligent, careless, and reckless disregard of said duty.

5.5 Plaintiff will show that all of the above foregoing acts and/or omissions, constitute negligence that directly and proximately caused the occurrence and Plaintiff's injuries and damages.



## 6. DAMAGES

6.00 As a direct and proximate result of the negligent acts and/or omissions of Defendant, Plaintiff has suffered damages for which Plaintiff seeks recovery from Defendant. Plaintiff's losses include, but are not limited to the following damages:

- a. Past medical expenses;
- b. Past physical pain and suffering;
- c. Past physical impairment;
- d. Past mental anguish and suffering;
- e. Past lost wages and loss of consortium;
- f. Future medical expenses;
- g. Future physical pain and suffering;
- h. Future physical impairment;
- i. Future mental anguish and suffering; and,
- j. Future lost wages and future loss of consortium.

6.1 The negligence and carelessness of Defendant directly and proximately caused the accident made the basis of this lawsuit, and the injuries and damages to plaintiff complained of herein.

## 7. PREJUDGEMENT INTEREST

Plaintiff also asserts a claim for both pre- and post-judgment interest for all elements of damages, as allowed by law.

## 8. RULE 193.7 NOTICE

This is given as notice to the Defendant that the Plaintiff intends to use all of Defendant's discovery responses as evidence at trial in accordance with such right and



privileges established by Texas Rule of Civil Procedure 193.7.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, and that upon final trial and hearing hereof, Plaintiff recover a judgment over and against Defendant for the damages as pled herein, based upon the evidence, in the amounts the jury determines to be fair and reasonable, and for such other and further relief, at law and in equity, to which the Plaintiff may show himself justly entitled. Petitioner prays for general relief.

Respectfully Submitted,

The Law Offices of Benard Hubbard, II

By: /s/ Benard Hubbard, II

BENARD HUBBARD, II

Texas State Bar No. 24125287

2706 Cypress Woods Lane

Manvel, Texas 77578

(601) 942-8958 (Telephone)

(832) 219-8088 (Facsimile)

[bj@bjhubbardlaw.com](mailto:bj@bjhubbardlaw.com)

*ATTORNEY FOR PLAINTIFF*



**JURY DEMAND****OFFICE OF DISTRICT CLERK**

Plaintiff respectfully demands a trial by jury.

By: /s/ Benard Hubbard, II  
Benard Hubbard, II



State of Texas  
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2<sup>nd</sup> day of June 2023

ANNE REED  
Clerk of District Court  
of Orange County, Texas  
by Justin Rhodes  
JUSTIN RHODES





## Orange County District Clerk's Office

## Request for Process

FILED: 4/6/23 3:43 PM  
 Anne Reed, District Clerk  
 Orange County, Texas  
 Envelope No. 4424254

All sections **must** be completed for processing this request  
 Reviewed By: Justin Rhodes

## Section 1: Required Fields

Cause No.: 230015-C

Date: April 6, 2023

Style of Case: Dammeion Clark v. International Paper Company

## Section 2: Required Fields

Title of your Document / Name of Pleading to be attached for Service

Plaintiff's Original Petition

## Section 3: Required Fields

Attorney's Name: Benard Hubbard, II

Address: 2706 Cypress Woods Lane

City: State: Texas Zip: 77578

Attorney's phone No.: 601.942.8958

Attorney's Bar No.: 24125287

Attorney's E-Mail Address: bj@bjhubbardlaw.com

## Section 4: Required Fields

Put the **NUMBER** of parties by the type of Service you're requesting below:

- 1 Citation (Issuance \$8.00 per party per pleading)
- Citation (Issuance \$16.00 per party per pleading)
- ☐ Secretary of State ☐ Texas Transportation Commission ☐ Department of Insurance
- Temporary Restraining Order (Issuance \$8.00 per party)
- Notice of Hearing/Notice to Show Cause/Order to Appear (Issuance \$8.00 per party)
- Application for Protective Order/Temporary (Ex Parte) Protective Order \*\* (Issuance \$16.00 per party)
- \*\* Submit the **REQUIRED TCIC/NCIC** Form and List below the Law Enforcement Agency for the TCIC & Law Enforcement Agency to receive Certified Copies of the Temp. Ex Parte.
- Precept to Serve (Issuance \$8.00 per party)
- Writ of (Issuance \$8.00 per party) Writ returnable in days.
- Citation by Posting (Issuance \$8.00 per party + Clerk's OCA Website Posting Fee \$80.00)
- As per law, all citations by postings must also be posted on the OCA Website.
- Citation by Publication (Issuance \$8.00 per party + Clerk's OCA Website Posting Fee \$80.00)
- \* A Motion and Order for Alternate Service is required and must contain the number of weeks to run.
- As per law, all citations by publications must also be posted on the OCA Website.
- Newspapers Name & Address:
  - Weeks to Publish:
- Civil Bond Approval (\$5.00)

## Section 5: Required Fields

Put a ☒ by Type of Delivery below:

\*\* All service not served by the Orange County Sheriff will be returned via provided E-Mail.

☒ E-mail Return (Please provide E-Mail address, Contact Name and Phone Number)

bj@bjhubbardlaw.com

☐ Certified Mail-Return Receipt Requested (\$80.00 service fee per party per pleading) ☐ Restricted Delivery☐ Orange Co. Sheriff (See attached Fee Schedule)

For any questions concerning the Sheriff's Fees, contact the Sheriff's Office at (409) 883-2612 and ask for the Civil Service Division.

**\*\*Service NOT being returned by E-mail:**

There will be a service copy charge of \$1.00 per page, per pleading & per party. Please list below the total amount of copies and cost you will be paying

\*\*Copies for Service: Total Number of Pages, Per Party being served: \$



## Section 6:

Parties to Be Served: (Please Type or Print)

1. Name: CT Corporation System

Address: 1999 Bryan Street, Suite 900

City: Dallas State: Texas Zip: 75201

Type of Service requested: N/A - Plaintiff will use private service processor

2. Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Service requested: \_\_\_\_\_

3. Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Service requested: \_\_\_\_\_

4. Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Service requested: \_\_\_\_\_

5. Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Service requested: \_\_\_\_\_

6. Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Service requested: \_\_\_\_\_

7. Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Service requested: \_\_\_\_\_





# **CIVIL PROCESS FEES- EFFECTIVE JANUARY 1<sup>ST</sup>, 2022**

AFFIDAVITS OF SERVICE	\$15.00
BILL OF REVIEW	\$80.00
CAPIAS (CIVIL WARRANT)	\$80.00
CITATIONS /PRECEPTS /SUMMONS -by personal service, posting, or publication	\$80.00
CLEARANCE LETTERS -Criminal Records Check (Local Records/Background)	\$15.00
CRIMINAL SUBPOENAS	\$5.00
EX-PARTE PROTECTIVE ORDER	\$80.00
FORCIBLE DETAINER (EVICTION)	\$80.00
INJUNCTION	\$80.00
NOTICE OF APPLICATION FOR PROTECTIVE ORDER	\$80.00
NOTICE TO SHOW CAUSE -by personal services or publication	\$80.00
NOTICE OF SUBSTITUTE TRUSTEE SALE	\$80.00
NOTICE TO TAKE DISPOSITION (ORAL/WRITTEN)	\$80.00
NOTICE PRECEPT TO SERVE	\$80.00
POSTING OF WRITTEN CAUSE -citation, probate, trustee sale	\$80.00
PROTECTIVE ORDER	\$100.00
PUBLICATIONS	\$80.00
SUBPOENAS/SUMMONS (CIVIL)	\$80.00
TAX WARRANT	\$100.00
TEMPORARY EX-PARTE PROTECTIVE ORDER	\$100.00
TEMPORARY RESTRAINING ORDER	\$100.00
TURNOVER ORDER (ALL COURTS)	\$150.00 (\$150 MAX 3 HRS PER DEPUTY - \$50 PER HOUR AFTER 3 HRS)
WARRANTS (AFRS, MTRCS, DISTRESS, ARREST)	\$70.00
WRIT OF ATTACHMENT (ALL COURTS)	\$150.00
WRIT OF CERTIORAR (ALL COURTS)	\$150.00
WRIT OF EXECUTION -commissions 10% w/sale(no max) 5% without sale(no max)	\$175.00 (\$175 MAX 3 HRS PER DEPUTY - \$50 PER HOUR AFTER 3 HRS)
WRIT OF GARNISHMENT(ALL COURTS)	\$150.00
WRIT OF HABEAS CORPUS (ALL COURTS)	\$150.00
WRIT OF POSSESSION	\$150.00 (\$150 MAX 3 HRS PER DEPUTY - \$50 AFTER 3 HRS)
WRIT OF POSSESSION (NON-EVICTION) PERSON PROPERTY	\$150.00
WRIT OF RE-ENTRY (ALL COURTS)	\$150.00
WRIT OF SEQUESTRATION(ALL COURTS)	\$200.00
WRIT OF TEMPORARY INJUNCTION	\$150.00
WRIT OF TURNOVER ORDER	\$150.00 (\$150 MAX 3 HRS PER DEPUTY - \$50 AFTER 3 HRS)
WRIT OF ORDER OF SALE (ALL COURTS) -commissions 10% w/sale(no max) 5% without sale(no max)	\$175.00
ORDER OF SALE TAX	\$175.00
OTHER WRITS NOT LISTED	\$150.00
LIVESTOCK – IMPOUND (PER HEAD)	\$100.00
LIVESTOCK – BOARDING (PER HEAD + PER DAY)	\$50.00
HB 3901 WRIT OF ASSISTANCE FOR REPOSSESSION OF AN AIRCRAFT	\$150.00 (\$150 MAX 3 HRS PER DEPUTY - \$50 AFTER 3 HRS)
HB 2486 ORDER OF RETRIEVAL	\$150.00 (\$150 MAX 3 HRS PER DEPUTY - \$50 AFTER 3 HRS)

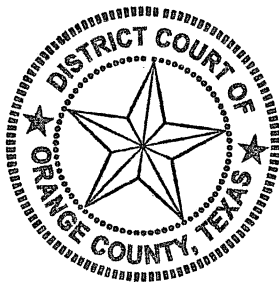
\*With plaintiff to withhold or release levy, without collection, cancel or recall writ without completing collection of judgment costs (except Tax Foreclosure Order of Sale) \$500

Approved by Commissioners Court on the 24 day of Aug, 2021.

County Judge John H. Gothla

DO NOT COPY OR ALTER - This document contains security features.





State of Texas  
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2<sup>nd</sup> day of June 2023

ANNE REED  
Clerk of District Court  
of Orange County, Texas  
by Justin Rhodes  
JUSTIN RHODES



THE STATE OF TEXAS

To: **International Paper Company**  
**CT Corporation System,**  
**1999 Bryan St Ste 900**  
**Dallas, TX 75201**

Defendant, **NOTICE:**

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Said **ANSWER** may be filed at the District Clerk's Office at the Orange County Courthouse, 801 W Division Ave. Ste. 106, Orange, TX 77630

In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Said **PLAINTIFF'S ORIGINAL PETITION**

was filed and docketed in the Honorable 260th District Court of Orange County, Texas at the District Clerk's Office at the Orange County Courthouse, 801 W Division Ave, Ste. 106 Orange, Texas on 23rd day of January, 2023 in the following styled and numbered cause:

**Cause No: 230015-C**

**Dammeion Clark V. International Paper Company**

The name and address of the attorney for plaintiff otherwise the address of Plaintiff is:

**Benard Hubbard, II**  
**2706 Cypress Woods Lane**  
**Manvel TX 77578**

**ISSUED AND GIVEN** under my hand and seal of said Court at Orange, Texas, this April 6th, 2023.



**ANNE REED, District Clerk**  
Orange County, Texas

*Anne Reed*

**RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock\_\_\_\_, M and executed in \_\_\_\_\_ County, Texas, at \_\_\_\_\_ o'clock \_\_\_\_M on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering, in accordance with the requirements of law, to the within named \_\_\_\_\_

\_\_\_\_\_ In person, a true copy of this citation together with the accompanying copy of the petition, having first endorsed thereon the date of delivery.

And not executed as to the defendant \_\_\_\_\_ the diligence used to execute being \_\_\_\_\_ the cause of failure to execute is \_\_\_\_\_ the defendant may be found \_\_\_\_\_

TOTAL FEES: \_\_\_\_\_

BY: \_\_\_\_\_





Justin Rhodes <jrhodes@co.orange.tx.us>

## 230015-C Paper Service

1 message

Justin Rhodes <jrhodes@co.orange.tx.us>  
To: bj@bjhubbardlaw.com

Thu, Apr 6, 2023 at 3:45 PM

Attached is your citation in the above referenced case. Please print 2 copies and attach the Original Petition to one before forwarding for service.

Please acknowledge receipt of this service for our records. If you have any questions please feel free to call.

Thank you,

Justin Rhodes

Justin Rhodes

Deputy Clerk

Orange County District Clerk's Office

801 W. Division

(409) 882 -7828

Jrhodes@co.orange.tx.us



International Paper Company - Citation.pdf

118K



State of Texas  
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2<sup>nd</sup> day of June 2023

ANNE REED  
Clerk of District Court  
of Orange County, Texas  
by Justin Rhodes

JUSTIN RHODES



**260th District Court of ORANGE County, Texas**

801 W. DIVISION ORANGE TX 77630

**CASE #: 230015-C**

DAMMEION CLARK

Plaintiff

VS

INTERNATIONAL PAPER COMPANY

Defendant

**AFFIDAVIT OF SERVICE**

I, RONALD COBB, make statement to the fact;

That I am a competent person more than 18 years of age or older and not a party to this action, nor interested in outcome of the suit. That I received the documents stated below on 04/28/23 5:28 am, instructing for same to be delivered upon INTERNATIONAL PAPER COMPANY BY DELIVERING TO REGISTERED AGENT, CT CORPORATION SYSTEM.

That I delivered to: INTERNATIONAL PAPER COMPANY BY DELIVERING TO REGISTERED AGENT, CT CORPORATION SYSTEM. By Delivering to George Martinez, SOP Intake Specialist

the following : CITATION; PLAINTIFF'S ORIGINAL PETITION

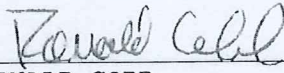
at this address : 1999 Bryan St Ste 900  
Dallas, Dallas County, TX 75201

Manner of Delivery : By PERSONALLY delivering the document(s) to the person above.

Delivered on : Friday APR 28, 2023 9:34 am

My name is RONALD COBB, my date of birth is JUN 12th, 1980, and my address is Professional Civil Process Of Texas, Inc, 103 Vista View Trail, Spicewood TX 78669, and U.S.A. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 28th day of April, 2023.

  
RONALD COBB

2969 Declarant

TX Certification#: PSC-4574 Exp. 12/31/2023

AX02A23403420

Service Fee: 75.00 PCP Inv#: A23403420

Witness Fee: .00

Mileage Fee: .00 Reference : INTERNATIONAL PAPER  
Hubbard, Benard (II)

eaffidavits@pcpusa.net

E-FILE RETURN



To: International Paper Company  
CT Corporation System,  
1999 Bryan St Ste 900  
Dallas, TX 75201

Defendant, NOTICE:

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

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In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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**Dammeion Clark V. International Paper Company**

The name and address of the attorney for plaintiff otherwise the address of Plaintiff is:

**Benard Hubbard, II**  
2706 Cypress Woods Lane  
Manvel TX 77578

ISSUED AND GIVEN under my hand and seal of said Court at Orange, Texas, this April 6th, 2023.



**ANNE REED, District Clerk**  
Orange County, Texas

*Anne Reed*

**RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock\_\_\_\_, M and executed in \_\_\_\_\_ County, Texas, at \_\_\_\_\_ o'clock \_\_\_\_M on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering, in accordance with the requirements of law, to the within named \_\_\_\_\_

\_\_\_\_\_ In person, a true copy of this citation together with the accompanying copy of the petition, having first endorsed thereon the date of delivery.

And not executed as to the defendant \_\_\_\_\_ the diligence used to execute being \_\_\_\_\_ the cause of failure to execute is \_\_\_\_\_ the defendant may be found \_\_\_\_\_

TOTAL FEES: \_\_\_\_\_ BY: \_\_\_\_\_



## CAUSE NO. 230015-C

DAMMEION CLARK

v.

INTERNATIONAL PAPER COMPANY

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

ORANGE COUNTY, TEXAS

260<sup>TH</sup> JUDICIAL DISTRICT

## DEFENDANT INTERNATIONAL PAPER COMPANY'S ORIGINAL ANSWER

Defendant, International Paper Company, comes now and files this its Original Answer to the Original Petition filed by Plaintiff, Dammeion Clark.

## I. GENERAL DENIAL

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, IP generally denies the material allegations contained in Plaintiff's Original Petition and demands strict proof thereof.

## II. AFFIRMATIVE DEFENSES

2. Clark is not entitled to recovery because Clark's claims are barred by the applicable statute of limitations.

3. Clark is not entitled to recovery because Clark's election and recovery of workers' compensation benefits in relation to the claims and injuries made the basis of suit was Clark's exclusive remedy for the work-related injury Clark alleges to have sustained. TEX. LAB. CODE § 408.001(a); *Port Elevator-Brownsville, L.L.C. v. Casados*, 358 S.W.3d 238 (Tex. 2012).

4. IP is entitled to contribution or credit as provided by the laws and statutes of the State of Texas including, but not limited to, the provisions of Chapters 32 and 33 of the Texas Civil Practice and Remedies Code, as well as other applicable laws and statutes.

5. Clark's damages, if any, were caused by her own conduct, and/or persons or entities over which IP had no control, and/or by conditions or circumstances over which IP has no control, which were the sole, proximate, and/or a producing cause giving rise to this lawsuit. Alternatively,



the conduct of Clark, and/or such third persons or entities or the effect of such conditions was an intervening and/or superseding cause of Clark's damages, if any. IP therefore invokes the comparative responsibility provisions of Chapter 33 of the Texas Civil Practice & Remedies Code. In the unlikely event any liability may be found on the part of IP, such liability should be reduced by the percentage of the causation found to have resulted from the acts or omissions of Clark and third parties. In the unlikely event that an adverse judgment would be rendered against IP, IP is entitled to all available credits and/or offsets as provided by the Texas Civil Practices & Remedies Code and applicable law.

6. Clark's claims were not caused by the acts, omissions, negligence, or other conduct of IP nor were any of its agents or employees a proximate producing or sole cause of the occurrence in question.

7. Clark's claims are barred, in whole or in part, because IP was not negligent and did not breach any legal duty owed to Clark in any manner that caused or contributed to the injuries and damages Clark alleges. IP will show that its conduct was at all times in keeping in that degree of ordinary care exercised by persons of reasonable prudence under the same or similar circumstances.

8. IP invokes section 18.091 of the Texas Civil Practice and Remedies Code and requests, to the extent Clark seeks recovery for loss of earning capacity, loss of contributions of a pecuniary value or a loss of inheritance, that the evidence to prove such loss must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability. IP further requests that the Court instruct the jury as to whether any recovery for compensatory damages sought by Clark is subject to federal income taxes.

9. IP invokes section 41.0105 of the Texas Civil Practice and Remedies Code and requests that to the extent Clark seeks recovery of medical or healthcare expenses, the evidence to prove such loss be limited to the amount actually paid by or on behalf of Clark, as opposed to the amount charged.



10. IP will show itself entitled to a credit or offset for all monies or consideration paid to Clark by virtue of any type or form of settlement agreement entered into by and between Clark and any party herein, or any other person or entity not a party to this litigation. Furthermore, by way of additional pleading, IP asserts the affirmative defenses of offset and credit.

11. IP hereby gives notice that it intends to rely upon such other defenses or denials as may become available or appear during discovery as it proceeds in this matter and reserves the right to supplement or amend this pleading in a manner authorized by the Texas Rules of Civil Procedure.

### **III. RULE 193.7 NOTICE**

12. IP gives notice under Texas Rule of Civil Procedure 193.7 that it may use any and all documents produced by and any party at any pretrial proceeding and/or trial of this matter.

### **IV. JURY DEMAND**

IP respectfully requests a jury trial.

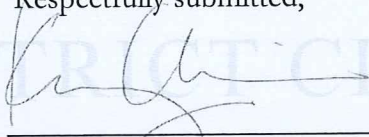
### **V. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant, International Paper Company, prays that the Plaintiff, Dammeion Clark, take nothing by this suit, that Plaintiff's claims against Defendant be dismissed with prejudice, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.



Respectfully submitted,

By:


  
\_\_\_\_\_  
Kimberly A. Chojnacki  
Texas Bar No. 24068696  
kchojnacki@bakerdonelson.com  
Melissa Vest  
Texas Bar No. 24096002  
mvest@bakerdonelson.com  
**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**  
1301 McKinney Street, Suite 3700  
Houston, Texas 77010  
(713) 650-9700 - Telephone

*Attorneys for Defendant,  
International Paper Company*

**CERTIFICATE OF SERVICE**

I certify that on May 22, 2023, I served the foregoing document on all counsel of record in accordance with the Texas Rules of Civil Procedure.

Benard Hubbard, II  
Law Offices of Benard Hubbard, II  
2706 Cypress Woods Lane  
Manvel, TX 77578  
bj@bjhubbardlaw.com

  
\_\_\_\_\_  
Kimberly A. Chojnacki



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Shari Falloon on behalf of Kimberly Chojnacki

Bar No. 24068696

sfalloon@bakerdonelson.com

Envelope ID: 75855417

Filing Code Description: Answer/Response

Filing Description: Defendant International Paper Company's Original Answer

Status as of 5/22/2023 11:48 AM CST

Associated Case Party: Dammeion Clark

Name	BarNumber	Email	TimestampSubmitted	Status
Bernard Hubbard, II		bj@bjhubbardlaw.com	5/22/2023 10:46:21 AM	SENT

Associated Case Party: International Paper Company

Name	BarNumber	Email	TimestampSubmitted	Status
Kimberly A. Chojnacki		kchojnacki@bakerdonelson.com	5/22/2023 10:46:21 AM	SENT
Clarence Risin		crisin@bakerdonelson.com	5/22/2023 10:46:21 AM	SENT
Melissa Vest		mvest@bakerdonelson.com	5/22/2023 10:46:21 AM	SENT



State of Texas  
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2<sup>nd</sup> day of June, 2023

ANNE REED  
Clerk of District Court  
of Orange County, Texas  
by Justin Rhodes  
JUSTIN RHODES



## CAUSE NO. 230015-C

DAMMEION CLARK

IN THE DISTRICT COURT OF

V.

ORANGE COUNTY, TEXAS

INTERNATIONAL PAPER  
COMPANY260<sup>TH</sup> JUDICIAL DISTRICTPLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DAMMEION CLARK**, hereinafter referred to as "Plaintiff," and complaining of and about **INTERNATIONAL PAPER COMPANY**, hereinafter referred to as "Defendant," and for cause of action, would respectfully show the court the following:

**1. DISCOVERY CONTROL PLAN**

Discovery in this matter is to be conducted according to Level 3 per Tex. R. Civ. P.

190.4.

**2. PARTIES**

2.1 Plaintiff, **DAMMEION CLARK**, is a resident of Baton Rouge, East Baton Rouge Parish, Louisiana.

2.2 Upon information and belief, Defendant, **INTERNATIONAL PAPER COMPANY**, is a foreign corporation, operating within, and existing under the law of a state other than Texas. Defendant may be served by and through its registered agent for service: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

2.3 This suit is brought in accordance with the laws of the State of Texas for the recovery of damages to which your Plaintiff is entitled to recover from the Defendant herein. Plaintiff will show that the incident was brought about and caused to occur, and/or was proximately

EXHIBIT

**B-7**



caused by the negligence of the Defendant. Such negligent acts will be set out more fully hereinafter.

### **3. JURISDICTION AND VENUE**

Plaintiff would show that both jurisdiction and venue are proper in this cause of action pursuant to the Tex.Civ.Prac.Rem. Code § 15.002.

### **4. STATEMENT OF FACTS**

4.00 Plaintiff brings this cause of action to recover damages sustained on or about January 26, 2021, in Orange County, Texas, as a direct and proximate result of Defendant's negligent maintenance and or operation of property and or instrumentality owned by, and controlled by the defendant.

4.1 At the time of the accident, the Plaintiff was on site, as an employee of Rexnord Corporation, who had contracted with defendant, International Paper Company, to perform maintenance work on certain equipment

4.2 While plaintiff was working on a drive shaft, a heavy metal object, which was above the plaintiff's work area, fell and struck plaintiff on the head, resulting in serious injuries to plaintiff.

### **5. PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT**

5.1 Plaintiff alleges and incorporates by reference the preceding paragraph, the same as if set forth herein verbatim. Defendant's above mentioned actions and/or omissions constituted negligence, and the negligent conduct was a direct and proximate cause of the accident and injuries made the basis of this lawsuit.

5.2 The Defendant's negligent actions or omissions include, but are not limited to, one or more of the following:



- a. Defendant failed to maintain the workplace in a reasonably safe condition;
- b. Defendant breached duty of care by failing to remedy the defective or dangerous condition;
- c. Defendant breached duty of care by failing to provide warning of defective or dangerous condition;
- d. Failing to supervise the environment, placing protocols;
- e. Failing to provide safety tools and equipment;
- f. Failing to ensure company premises were maintained in a way to prevent injuries;
- g. Failing to supervise the employees' as per relevant safety regulations.
- h. Failing to warn its invitees, employees, and third party contractors as to the hazards conditions complained of herein.
- i. Failing to install, adopt or employ adequate safety measures in its workplace to prevent incidents such as the one that injured Plaintiff and is the subject of this lawsuit; and
- j. Failing to properly secure the object which fell and struck plaintiff.

5.3 Defendant had a duty to exercise the degree of care that a reasonably prudent person would use to avoid harm to others under circumstances similar to those described above.

Defendant breached this duty.

5.4 Plaintiff's injuries were directly and proximately caused by Defendant's negligent, careless, and reckless disregard of said duty.

5.5 Plaintiff will show that all of the above foregoing acts and/or omissions, constitute negligence that directly and proximately caused the occurrence and Plaintiff's injuries and damages.



## 6. DAMAGES

6.00 As a direct and proximate result of the negligent acts and/or omissions of Defendant, Plaintiff has suffered damages for which Plaintiff seeks recovery from Defendant. Plaintiff seeks monetary relief over \$1,000,000.00, which is within the jurisdictional limits permitted by this court. Plaintiff's losses include, but are not limited to the following damages:

- a. Past medical expenses;
- b. Past physical pain and suffering;
- c. Past physical impairment;
- d. Past mental anguish and suffering;
- e. Past lost wages and loss of consortium;
- f. Future medical expenses;
- g. Future physical pain and suffering;
- h. Future physical impairment;
- i. Future mental anguish and suffering; and,
- j. Future lost wages and future loss of consortium.

6.1 The negligence and carelessness of Defendant directly and proximately caused the accident made the basis of this lawsuit, and the injuries and damages to plaintiff complained of herein.

## 7. PREJUDGEMENT INTEREST

Plaintiff also asserts a claim for both pre- and post-judgment interest for all elements of damages, as allowed by law.

## 8. RULE 193.7 NOTICE

This is given as notice to the Defendant that the Plaintiff intends to use all of



Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, and that upon final trial and hearing hereof, Plaintiff recover a judgment over and against Defendant for the damages as pled herein, based upon the evidence, in the amounts the jury determines to be fair and reasonable, and for such other and further relief, at law and in equity, to which the Plaintiff may show himself justly entitled. Petitioner prays for general relief.

Respectfully Submitted,

The Law Offices of Benard Hubbard, II

By: /s/ Benard Hubbard, II

BENARD HUBBARD, II

Texas State Bar No. 24125287

2706 Cypress Woods Lane

Manvel, Texas 77578

(601) 942-8958 (Telephone)

(832) 219-8088 (Facsimile)

bj@bjhubbardlaw.com

*ATTORNEY FOR PLAINTIFF*



**JURY DEMAND**

OFFICE OF DISTRICT CLERK

Plaintiff respectfully demands a trial by jury.

By: /s/ Benard Hubbard, II  
Benard Hubbard, II



CERTIFIED COPY



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Benard Hubbard on behalf of Benard Hubbard  
Bar No. 24125287  
bj@bjhubbardlaw.com  
Envelope ID: 76173864  
Filing Code Description: Amended Filing  
Filing Description: Plaintiff's First Amended Petition  
Status as of 6/1/2023 8:03 AM CST

Associated Case Party: Dammeion Clark

Name	BarNumber	Email	TimestampSubmitted	Status
Bernard Hubbard, II		bj@bjhubbardlaw.com	5/31/2023 10:32:12 PM	SENT

Associated Case Party: International Paper Company

Name	BarNumber	Email	TimestampSubmitted	Status
Kimberly A. Chojnacki		kchojnacki@bakerdonelson.com	5/31/2023 10:32:12 PM	SENT
Melissa Vest		mvest@bakerdonelson.com	5/31/2023 10:32:12 PM	SENT
Clarence Risin		crisin@bakerdonelson.com	5/31/2023 10:32:12 PM	SENT



State of Texas  
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2<sup>nd</sup> day of June, 2023

ANNE REED  
Clerk of District Court  
of Orange County, Texas  
by Justin Rhodes  
JUSTIN RHODES